

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

-----X
MONTALBAN JOSE,
 plaintiff

VS.

POWELL, FNU, et, al.
PEDONE, ANTHONY
JOHN GINTZ
JOHN DOE (LIUTENANT IN R&D)
BRENNAN MARK
VERBYLA, WILLIAMS
GLOSSENGER, JASON
MODDROFF, FNU
VRABEL, COREY
JOHN DOE (IN BLUE UNIFORM)
JOHN DOE (IN BLACK UNIFORM)
DOBUSHAK, WALTER
BURGERHOLLFF, PATRICIA
KABONICK, M.
TUTTLE, JARRET
MAZZA OR MACCA, FNU
JOHN'S DOE'S (IN R&D)
COOK, DUSTIN M.
JOHANSON, CAROLINE M.
JOHN DOE (LIUTENANT IN INTERVIEW/FBI.)
-----X

AMENDED

COMPLAINT "

CIVIL CASE NO:

"1:17-cv-212 "

FILED
SCRANTON

APR 24 2017

PER  DEPUTY CLERK

" ALL FBOP STAFF FROM USP-CANNAN IN THEIR INDIVIDUALLY AND THE
OFFICIAL CAPACITIES" " UNDER COLOR OF FEDERAL LAW "

"" JURISDICTION

THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C § 1983,1985,1986 TO REDRESS THE DEPRIVATION UNDER COLOR OF STATE OR FEDERAL LAW OF RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES OF AMERICA,.

BIVEN V. SIX UNKNOWN NAMED AGENTS OF THE FEDERAL BUREAU OF NARCOTICS", 403 u.s. 388,91 S.ct.(1999) 29 L. Ed. 2d 619 9(1991)",.

PLAINTIFF:

I MONTALBAN JOSE, IS AND WAS AT ALL TIMES MENTIONED HEREIN THIS COMPLAINT AN INMATE UNDER THE CUSTODY OF THE FEDERAL BUREAU OF PRISONS (FBOP) " HEREIN AFTER REFERENCED AS THE FBOP. AND AT PRISONER OF THE UNITED STATES OF AMERICA.

WHERE HIS COMPLAINT ARISES WHILE IN CUSTODY AT USP-CANNAN,WAYMART,PA.

DURING THE PERIODS ALLEGED HEREIN PLAINTIFF,RESIDING AT USP CANNAN,PA. AND IS CURRENTLY STILL HELD AT FCC-COLEMAN,FLORIDA. USP_1 ,COLEMAN,FL.

PLAINTIFF,MONTALBAN JOSE, FILED A CIVIL COMPLAINT AGAINST DEFENDANTS CORRECTIONALS OFFICERS WITH DIFFERENTS TITTLES AND ALLEGING THAT THE C/O VIOLATED THE FIRST,FITH,EIGHT AND THE FOURTHEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION.

PLAINTIFF ALLGED THAT THE SUPERVISOR AND THE CORRECTIONAL OFFICERS ASSAULT AND BEATING HIM ,WHEN HE WAS ALREADY INCAPACITATED ALREADY IN HANDSCUFFED AND SCHUCKLEDD,LYING ON THE FLOOR GROUN.

I. PLAINTIFF:

State your full name, inmate number (if applicable), and full mailing address in the lines below.

Name of Plaintiff: MONTALBAN JOSE
 Inmate Number # 11497-179
 Prison or Jail: FCC-USP-1, COLEMAN
 Mailing address: FEDERAL CORRECTIONAL COMPLEX
p.o.box 1033/h-unit, COLEMAN, FL.33521

II. DEFENDANT(S):

State the name of the Defendant in the first line, official position in the second line, place of employment in the third line, and mailing address. Do the same for every Defendant:

- (1) Defendant's name: POWELL, FNU, et, al.
 Official position: LIUETENANT OPERATIONS
 Employed at: (FBOP) USP-CANNAN
 Mailing address: 3057 EASTON TURNPIKE
WAYMART, PENNSYLVANIA, 18472
- (2) Defendant's name: PEDONE, ANTHONY
 Official position: LIUETENANT OPERATIONS
 Employed at: (FBOP) USP-CANNAN
 Mailing address: 3057 EASTON TURNPIKE
WAYMART, PENNSYLVANIA, 18472
- (3) Defendant's name: " ATTACHED COPIES "
 Official position: _____
 Employed at: _____
 Mailing address: _____

ATTACH ADDITIONAL PAGES HERE TO NAME ADDITIONAL DEFENDANTS

DEFENDANT: BRENNAN, MARK
OFFICIAL POSITION: FOOD SERVICE SUPERVISOR
EMPLOYED AT: (FBOP) USP-CANNAN
MAILING ADDRESS: TURNPIKE
WAYMART, PENNSYLVANIA.

DEFENDANT: WISNIESKY, ANDREW
OFFICIAL POSITION: FOOD SERVICE SUPERVICSOR
EMPLOYED AT: (FBOP) USP-CANNAN"
MAILING ADDRESS: TURNPIKE
WAYMART, PENNSYLVANIA.

DEFENDANT: MACCA OR MAZZA, FNU
OFFICIAL POSITION: CORRECTIONAL OFFICER
EMPLOYED AT: (FBOP) USP-CANNAN
MAILING ADDRESS: 3057 EASTON TURNPIKE
WAYMART, PENNSYLVANIA. 18472

DEFENDANT: JOHN DOE
OFFICIAL POSITION: (LIUTENANT IN INTERVIEW/FBI.)
EMPLOYED AT: (FBOP) USP-CANNAN
MAILING ADDRESS: 3057 EASTON TURNPIKE
WAYMART, PENNSYLVANIA. 18472

DEFENDANT: JOHN'S DOE'S
OFFICIAL POSITION: CORRECTIONAL OFFICERS (R&D)
EMPLOYED AT: (FBOP) USP-CANNAN
MAILING ADDRESS: 3057 EASTON TURNPIKE
WAYMART, PENNSYLVANIA. 18472

DEFENDANT: WILLIAMS, VERBYLA

OFFICIAL POSITION: "CORRECTIONAL OFFICER "

EMPLOYED AT: (FBOP) "USP-CANNAN"

MAILING ADDRESS: 3057 EASTO TURNPIKE

WAYMART, PENNSYLVANIA. 18472

DEFENDANT: VRABEL, COREY

OFFICIAL POSITION: CORRECTIONAL OFFICER"

EMPLOYED AT: (FBOP) "USP-CANNAN"

MAILING ADDRESS: 3057 EASTON TURNPIKE

WAYMART, PENNSYLVANIA. 18472

DEFENDANT: GLOSSENGER, JASON

OFFICIAL POSITION: CORRECTIONAL OFFICER

EMPLOYED AT: (FBOP) "USP-CANNAN"

MAILING ADDRESS: 3057 EASTO TURNPIKE

WAYMART, PENNSYLVANIA. 18472

DEFENDANT: MODDROFF, FNU

OFFICIAL POSITION: CORRECTIONAL OFFICER

EMPLOYED AT: (FBOP) "USP-CANNAN"

MAILING ADDRESS: 3057 EASTON TURNPIKE

WAYMART, PENNSYLVANIA. 18472

DEFENDANT: POWELL, FNU

OFFICIAL POSITION: LIUTENANT OPERATIONS

EMPLOYED AT: (FBOP) "USP-CANNAN"

MAILING ADDRESS: 3057 EASTO TURNPIKE

WAYMART, PENNSYLVANIA. 18472

DEFENDANT: JOHN DOE (IN BLUE UNIFORM)
OFFICIAL POSITION: CORRECTIONAL OFFICER
EMPLOYED AT: (FBOP)" USP-CANNAN"
MAILING ADDRESS: 3057EASTO TURNPIKE
WAYMART, PENNSYLVANIA. 18472

DEFENDANT: JOHN DOE (IN BLACK UNIFORM)
OFFICIAL POSITION: CORRECTIONAL OFFICER
EMPLOYED AT: (FBOP)" USP-CANNAN"
MAILING ADDRESS: 3057EASTON TURNPIKE
WAYMART, PENNSYLVANIA. 18472

DEFENDANT: GINTZ, JOHN
OFFICIAL POSITION: S.I.O.
EMPLOYED AT: (FBOP)" USP-CANNAN"
MAILING ADDRESS: 3057EASTON TURNPIKE
WAYMART, PENNSYLVANIA. 18472

DEFENDANT: JOHN'S DOE'S (IN R&D)
OFFICIAL POSITION: LIUTENANT
EMPLOYED AT: (FBOP)" USP-CANNAN"
MAILING ADDRESS: 3057EASTON TURNPIKE
WAYMART, PENNSYLVANIA. 18472

DEFENDANT: DOBUSHAK, WALTER
OFFICIAL POSITION: (MD)" MEDICAL STAFF"
EMPLOYED AT: (FBOP)" USP-CANNAN"
MAILING ADDRESS: 3057EASTON TURNPIKE
WAYMART, PENNSYLVANIA. 18472

DEFENDANT: BURGERHOLLFF, PATRICIA
OFFICIAL POSITION: (R.N.)" MEDICAL STAFF"
EMPLOYED AT: (FBOP)" USP-CANNAN"
MAILING ADDRESS: 3057 EASTON TURNPIKE
WAYMART, PENNSYLVANIA. 18472

DEFENDANT: KABONICK, M.
OFFICIAL POSITION: EMT-P " MEDICAL STAFF"
EMPLOYED AT: (FBOP)" USP-CANNAN"
MAILING ADDRESS: 3057 EASTON TURNPIKE
WAYMART, PENNSYLVANIA. 18472

DEFENDANT: TUTTLE, JARRET
OFFICIAL POSITION: EMT-P "MEDICAL STAFF"
EMPLOYED AT: (FBOP)" USP-CANNAN"
MAILING ADDRESS: 3057 EASTON TURNPIKE
WAYMART, PENNSYLVANIA. 18472

DEFENDANT: COOK, DUSTIN M.
OFFICIAL POSITION: PSY, D. (DRUG ABUSE PRO.COORD.)
EMPLOYED AT: (FBOP)" USP-CANNAN"
MAILING ADDRESS: 3057 EASTON TURNPIKE
WAYMART, PENNSYLVANIA. 18472

DEFENDANT: JOHANSON, CAROLINE M.
OFFICIAL POSITION: PHD. STAFF PSYCH.)
EMPLOYED AT: (FBOP)" USP-CANNAN"
MAILING ADDRESS: 3057 EASTON TURNPIKE
WAYMART, PENNSYLVANIA. 18472

NOTE: THE COURT WILL NOT REVIEW THE COMPLAINT UNLESS THE FOLLOWING QUESTIONS HAVE BEEN ANSWERED IN FULL.

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES

Exhaustion of administrative remedies is required prior to pursuing a civil rights action regarding conditions or events in any prison, jail or detention center. 42 U.S.C. § 1997e(a). Plaintiff is warned that any claims for which the administrative grievance process was not completed prior to filing this lawsuit may be subject to dismissal.

IV. PREVIOUS LAWSUITS

NOTE: FAILURE TO DISCLOSE ALL PRIOR CIVIL CASES MAY RESULT IN THE DISMISSAL OF THIS CASE.

- A. Have you initiated other actions in **state court** dealing with the same or similar facts/issues involved in this action?

Yes()

No(☒)

1. Type of action (civil rights, habeas corpus, etc.): _____
2. Parties to previous action:
 - a. Plaintiff(s): _____
 - b. Defendant(s): _____
3. County and judicial circuit: _____
4. Case docket #: _____
5. Approximate filing date: _____
6. If not still pending, date of dismissal: _____
7. Basis of dismissal: _____
8. Facts and claims of case: _____

(Attach additional pages as necessary to list state court cases.)

B. Have you initiated other actions in federal court dealing with the same or similar facts/issues involved in this action?

Yes (X)

No ()

1. Type of action (civil rights, habeas corpus, etc.): Civil Rights
2. Parties to previous action:
 - a. Plaintiff(s): Montalban JOSE #11497-179
 - b. Defendant(s): Mr. CHARLES E. SAMUEL (et al.)
3. District and judicial division: For the Middle District of Florida
4. Case docket #: Attached page!! 5. Approximate filing date: 6/20/2016
6. If not still pending, date of dismissal: _____
7. Basis of dismissal: _____
8. Facts and claims of case: Plaintiff alleged that the Defendants conspired and retaliated against him, Attached page!!

(Attach additional pages as necessary to list other federal court cases.)

C. Have you initiated other actions (besides those listed above in Questions (A) and (B)) in either state or federal court that relate to the fact or manner of your incarceration (including habeas corpus petitions) or the conditions of your confinement (including civil rights complaints about any aspect of prison life, whether it be general circumstances or a particular episode, and whether it involved excessive force or some other wrong)?

Yes (XX)

No

If YES, describe each action in the space provided below. If more than one, describe all additional cases on a separate piece of paper, using the same format as below.

1. Type of action (civil rights, habeas corpus, etc.): " INJUNCTIVE RELIEF "
2. Parties to previous action: CIVIL RIGHTS ACTION"
 - a. Plaintiff(s): MONTALBAN JOSE (pro sec)
 - b. Defendant(s): TAMYRA JARVIS (WARDEN) AT USP-1, COLEMAN FEDERAL CORRECTIONAL COMPLEX

FROM THE PAGE # 4;

B).~

3) OCALA DIVISION

4) CASE DOCKET NO: 5:16-cv-405-oc-10pr1

8) ACTED WITH DELIBERATED INDIFFERENCE TO HIS MEDICAL
NEED'S DEPRIVED HIM OF HIS LIBERTY AND PROPERTY,
AND VIOLATED HIS FIRST, FIFTH, SIXTH, EIGHTH, AND THE
FOURTEENTH AMENDMENT OF THE U. S. CONSTITUTION.

- "IN THE UNITED STATES DISTRICT COURT**
3. District and judicial division: FOR THE MIDDLE DISTRICT OF FLORIDA
4. Case docket #: 5:15-cv-635-oc 5. Approximate filing date: 12/21/2015
-10PRL"
6. If not still pending, date of dismissal: " 04/26/2016 "
7. Reason for dismissal: "FOR FAILED TO PAY THE REQUIRED FILING
8. Facts and claims of case: "DENYING, INTERFERING, & ACCESS TO THE
COURTS, NEED AT MEDICAL TREATMENT "

(Attach additional pages as necessary to list cases.)

- D. Have you ever had, either while you were incarcerated or while you were not incarcerated, any actions in federal court dismissed as frivolous, malicious, failing to state a claim, or prior to service? If so, identify each and every case so dismissed:

Yes()

No(☒)

1. Type of action (civil rights, habeas corpus, etc.): _____
2. Parties to previous action:
- a. Plaintiff(s): _____
- b. Defendant(s): _____
3. District and judicial division: _____
4. Name of judge: _____ Case Docket # _____
5. Approximate filing date: _____ Dismissal date: _____
6. Reason for dismissal: _____

(Attach additional pages as necessary to list cases.)

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" STATEMENT OF FACTS:

On the day in fact, December 28, 2012, Plaintiff approached for the final time in front of his office door Food Supervisor Mr. Andrew Wisniewski, where he proceeded to ask him if his pay was going to be corrected. At that point Mr. Wisniewski became offensive and stated while tossing a pack of Common Fare Sardines at me where it slid in front of me on the floor like he expected me to pick it up like a common beggar, "Herès your fucking pay, and bonus too now get out from in front of my face..." while my detail supervisor Mr. Brennan was laughing at me. All this transpired in front of other inmate Food Service workers and several kitchen cameras.

Plaintiff asserts after this incident that both Food Service supervisors Brennan & Wisniewski had continued to taunt him and make fun of him all the while he was performing his duties and in the presence of other inmates too. These "taunts and jokes"

Now what is not known and was never presented to the Third Circuit Courts is what is known inside the FBOP inmate system as "politics". These "politics" is what governs the inmates within themselves and creates a respect level that maintains peace as well as it can create violence amongst inmates on inmates or inmates on staff. Part of the "politics" is what is called having your "man-card" pulled. This is when another inmate/staff member says or does something intentionally to either disrespect or insult you and is to be interpreted as an attack on your manhood. Now there are only a couple of ways to handle this, unfortunately each way ends in violence, either a) you fight then and there and its over, b) you walk away, which seems like the right thing to do,

" STATEMENT OF FACTS:

Here is the account of all that transpired on the evening of December 28, 2012:

Plaintiff had requested Food Supervisor Mark Brennan if he could retrieve his milk he had saved for himself earlier that evening. Mr. Brennan allowed Mr. Montalban to retrieve his milk. The milk was located in the Food Supervisors office and when Mr. Montalban came to the doorway Mr. Wisniewski was already inside the office at his desk and when he noticed Mr. Montalban standing there about to enter he stated, "What do you want? Get the fuck out of my face...". At this point Plaintiff's tolerance to all the verbal abuse had taken its toll and Plaintiff reacted. He came at Mr. Wisniewski while he was still seated, yet facing him, and Plaintiff proceeded to physically assault Mr. Wisniewski bare-knuckled, striking blows at him to his face and upper body.

At some point shortly thereafter, Mr. Brennan came into the office and had pushed the "body-alarm" on his walkie-talkie alerting the compound staff there is an emergency and where the emergency is located. Mr. Brennan had picked up a glass coffee urn that was in the office and attempted to smash it over Mr. Montalban's head. Plaintiff ducked just as the urn was about to strike him and the urn smashed against the wall spraying glass in all directions.

Mr. Brennan's attempt to subdue Plaintiff with the urn had failed and what it did do was create wounds to Food Supervisor Wisniewski's face. These wounds caused Mr. Wisniewski to scream aloud and in turn C Brennan grabbed Plaintiff by the arms of his institution coat pulling him away from Mr. Wisniewski.

" STATEMENT OF FCATS:

I was in the altercation with the two supervisor, and some officer's arrived into the office and Subdue plaintiff, and put him in handcuffed and schuckledd',

PLAINTIFF, was on the floor ground lying and the supervisor Brennan, started to punching plaintiff, on his face, head as well throw fists, kicking plaintiff on the head and body, and started to stabbed plaintiff, in the left-side of his stomage three times with the protector key's. every time he stabbed ,he twisted the point of the protector key's into the stomage of plaintiff, inflicted three wounds points', and the officers inside the office just let the 6 supervisor Brennan, assaulted plaintiff, the liuetenant PEDONE as well Liuetenant POWELL, and the officers (WILLIAMS VERBYLA, MODROFF, VRABEL COREY, GLOSSENGER) AS WELL PROCEED TO ASSAULTED PLAINTIFF ALREADY INCAPACITATED.

They's started to Kicking, punching on the head as well the body when plaintiff is on the floor ground without provocation as a result of this excessive use of force unnecessary plaintiff , Suffered, Bruises, Abrasions around the body, as well the three stabbed wounds in his left side of his stomage, a lot blood from his mouth, (PHOTOS SHOWING THE MAGNITUDE OF THE FORCE ALOT BLOOD ON THE FLOOR , DESK, REFRIGERATOR)

THIS WAS THE FIRST ASSAULT BY THE GUARDS AND TWO LIUETENANTS PEDONE ANTHONY AND LT. POWELL , IN THE INSIDE OF THE FOOD SERVICE OFFICE, THE LIUETENANT PEDONE, ORDERED THE CORRECTIONALS OFFICERS TO SCORT PLAINTIFF TO THE ENFERMARY ROOM FOR CHECK THE INJURIES OF PLAINTIFF,

as Plaintiff looked up all he saw was a fist flying into his face and another beating insued by officers unknown to the Plaintiff. As this beating was taking place he was being held by two officers the entire time under each of his arms and again all while he was in full restraints.

Plaintiff felt himself being moved at some point during this beating outside of the main kitchen into the dining room area. As he was being dragged again down the inmate food service entrance line other officers came at him and one had placed him in a choke hold ramming his head into the walls.

As they were heading towards the exit door said officers holding each arm had began to twist his arms forward forcing Plaintiff to lean forward with his head heading towards the floor till almost parallel with it. The officer who still has him in a choke hold uses Plaintiff head to ram the steel security door open as they proceed to leave the Food Service area.

As Plaintiff is being punched, jabbed and kicked down the main corridor heading towards Medical there are (2) Solid steel barred security gate, at each gate door again and again the officers use Plaintiff's head as a battering ram to open these barred gates.

() Upon arrival to Health Services Plaintiff was first seen by R.N. Patricia Burgerhoff, but before R.N. Burgerhoff see Mr. Montalban there are (2) additional solid steel slab doors that were opened witht he aid of ramming his head against these doors. Upon arrival R.N. Burgerhoff has the two officers holding Plaintiff's arms lift him up onto the exam table where she began her examinaton and had wiped his face clean then took photographs of Plaintiff.

After she had taken the photographs (note: actual photos were taken by a 3rd unknown Lieutenant) she had ordered for Plaintiff to be stripped of his garments for further assessment and examination. She takes account of the multiple wounds and bruises he had sustained by staff. Even though she takes notice of these wounds she never documents them or requests to have photographs taken as well. She makes the comment, "I see nothing wrong with you..." then she states she's going to examine the other involved (Brennan and Wisniewski) Brennan who sustained a dislocated pinkie finger and Wisniewski's cuts from the coffee urn) as soon as she leaves the exam room (7) officers (1 wearing his blue uniform and 6 wearing black clad SERT uniforms) entered the room and again Mr. Montalban is assaulted for several minutes.

Officer s Modroff and Vrabel while securing Plaintiff's arms allowed Officer Verbyla to place him in a choke hold and after he was in place asked the other two officers to release Plaintiff and upon doing so Verbyla lifted Plaintiff up over the exam table and slammed him head first to the ground. As soon as Plaintiff hits the ground the entire room of officers began kicking, punching and jabbing him. At a point the officer who was wearing his blue uniform who entered with the (7) officers had grabbed Plaintiff's head and proceeded to slam it on the ground.

, R.N. Burgerhoff returns and sees this occuring and screams, "Guys! Guys! what are you doing?" to their reply while laughing, " Oh, he fell..." At this point R.N. Burgerhoff was mortified once the officers lifted Plaintiff back onto the exam table and she the extent of the new damage he sustained. Plaintiff recalls as he was being lifted that she had wrote someting on some papers and as soon as she saw the new damage to him she tore up

the papers she had in her hand and threw them in the waste-bin.

At this point R.N. Burgerhoff was asked by Officer Verbyla asked what do you want to do with him. She stated to get him out of here and Officer Verbyla used his walkie-talkie to request that the main corridor be cleared so Plaintiff can be transported to the Special Housing Unit (SHU). Again using his head as a battering ram Plaintiff sustains a concussion and is temporarily knocked out, there are approximately (2) steel slab doors, (2) steel sliders prior to entering the SHU that he had been rammed in to. Once inside the SHU Plaintiff is taken to an area out of cameras range and beaten again

1

came again to re-examine him. Plaintiff was now wearing SHU oranges and again she cleans Plaintiff's face and requests more photos to be taken. (note: If upon review of this video you can clearly see the blood on the floor and how it trails into the exam room, yet the photos taken reveal no blood at all).

Plaintiff afterwards is placed in a cell on the SHU range with another cell-mate. At this point Plaintiff has received no medications or treatment of any kind for his numerous injuries. It became extremely inflamed, swollen and unbearable to the point Plaintiff had temporary loss of vision and partial hearing from the beating he had sustained. He was placed in food strike in the morning, afternoon and dinner meals for approximately 10 days. If it wasn't for the assistance of his cell-mate in providing him with $\frac{1}{2}$ of his food trays he had received Plaintiff would have starved and gone through serious medical problems besides malnutrition
dehydration,

Nutrients necessary for his body to heal and repair itself After plaintiff cell mate had requested that his cellie needed food or medical attention they would stated,after they peered inside the cell window ' He is not dead yet' 'Why dont he just die''.

THE officer in " blue uniform" INFLICTED SEVERAL PAIN TO PLAINTIFF several injuries on his head ,pounding his head to the floor cement,broken his thumb in the right hand backwards, punching his right eye several times when the plaintiff,was incapacitated on the lying on the floor cement inside teh enfermary room 9(19;45) PLAINTIFF was already incapacitated ,handcuffed and schuckledd'

***) I CAN I. D." THIS OFFICER IN BLUE UNIFORM, IN THE DATE OF JULY/? / 2014, THIS SAME OFFICER ARRIVED IN TO MY CELL WINDOW AND PEERED " HE STATED TO PLAINTIFF,YOU REMEMBER ME,"PEAZE OF SHIIITT" I WAS THE PERSON TO BROKE YOUR THUMB BACKWARDS AND YOU FUCK HEAD TO THE CEMENT FLOOR,REMEMBER NOW,"

THIS WAS INSIDE THE SPECIAL HOUSE UNIT (SHU) WHEN I WAS BACK FROM THE TRIAL COURT IN SCRANTON ,PA. " AND LATER SCORT BACK BY TWO U.S. MARSHALL"S. TO THE USP_CANNAN IN THE DATE: JULY/?/2014

LEGAL CLAIMS:

"DEC/28/2012", PLAINTIFF ,Avers that on 'dec/28/2012,Defendants BRENNAN,MARK, STARTED BEATING,STABBING TREE TIMES IN THE LEFT SIDE STOMAGE OF PLAINTIFF,ALLEGED THAT SEVERAL DEFENDANTS,COULD BEATING HIM MERCILESLY AND REPEATEDLY OVER AT PERIOD OF SEVERAL MINUTES IN THE FOOD SERVICE OFFICE,WHILE PLAINTIFF WAS HANDSCUFFED AND SCHUCLED AND STILL OTHERS DEFENDANTS DID NOTHING TO PREVENT OR STOP THESE BEATING,THEY PARTICIPATED IN THE BEATING ALSO, FOLLOWING THE ALLEGE BRUTAL BEATING OTHERS DEFENDANTS "FAILED", OR REFUSED TO PROVIDE TO PLAINTIFF, WITH MEDICAL TREATMENT FOR HIS INJURIES.

" FINALLY IN JANUARY/? /2013, PLAINTIFF BEGAN TO RECEIVED SOME MEDI-
CAL CARE", DAYS LATER, AT "X-REAYS WERE TAKEN AND PLAINTIFF WAS ,
 LEARNED THAT SUFFERED FROM A"FRACTURE ON ORBITAL/LAMINA",UNTIL THE
 DATED OF: 09/03/2015 'WHEN PLAINTIFF WAS IN THE CLINIC FOR AT SURGERY
 FOR THE SURGEON OF MAXILLOFACIAL", TWO YEARS AND HALF, IS WHEN THE
 PLAINTIFF,GOT THE KNOWLEDGE OF THIS FRACTURE IN THE ORBITAL/LAMINA")
 IN OCALA,FLORIDA,

PLAINTIFF, IT BECAME THAT HAD ALSO SUFFERED OTHERS INJURIES TO !
 BIG CONTOUSSION IN FRONT HEAD,BROKEN THUMB RIGHT HAND,BACKWARD AND THE
 SWOLLEN,BOTH EYES SWOLLEN SHUTDOWN,TREE STABBING WOUNDS IN THE LEFT
 SIDE OF THE STOMAGE OF PLAINTIFF,SCALP FRONT HEAD,BRUISES ALL BODY,
 ** ACCORDING TO PLAINTIFF, THE EVENTS OF DECEMBER/28/2012,AND ITS AT
 AFTERMATH CONSTITUTE EXCESSIVE FORCE,FAILURE TO INTERVENE AND DELIBE
RATED INDIFFERENCE TO SERIOUS MEDICAL NEEDS,ALL IN VIOLATION OF THE
 "EIGHT AMENDMENT,VIOLATION OF THE FIRST ,FITH,EIGHT AND FOURTEENTH
 AMENDMENT OF THE UNITED STATES CONSTITUTION."

PLAINTIFF, HAD STATED CLAIMS , FOR FAILURE TO DELIBERATED INDIFFEREN
-CE TO A SERIOUS MEDICAL NEEDS ,AGAINST DEFENDANTS:

(MD)DOBUSHACK,WALTER,(R.N.)BURGERHOLFF,PATRICIA,(EMT-p)KABONICK.M
(EMT-p) TUTTLE,JARRET,

PLAINTIFF ALLEGED THAT DEFENDANTS FAILURE TO MEDICAL CARE TO THE
ASSAULTIVE AND BRUTAL BEATING TO PLAINTIFF IN THE HANDS OF DEFENDANT
STILL HAS SCAR"S ON HIS HEAD SKULL,FRACTURE ORBITAL/LAMINA)RIGHT EYE
RIGHT THUMB RIGHT HAND,ANS SEIZURE'S,WITH THE CONSECUNCE OF THE HITS
ON THE HEAD OF PLAINTIFF WITH THE WALL,FLOOR GROUND,AND STEEL DOORS
STEELS BARRED DOORS,AND WORK BOOTS OF THE OFFICERS,

** VIOLATIONS OF THE EIGHT AMENDMENT AND FOURTEENTH AMENDMNET:

- 1) EXCESSIVE FORCE
- 2) FAILURE TO INTERVENE
- 3) FAILURE TO PROVIDE MEDICAL CARE
- 4) DUE PROCESS VIOLATION OF THE FOURTEENTH AMENDMENT
- 5) CONSPIRACY OF THE DEFENDANTS FOR THE BEATING AND DENIED ACCESS TO
MEDICAL CARE TREATMENT
- 6) RETALIATION FOR THE ALTERCATION WITH THE FOOD SERVICE SUPERVISOR
ON DATE: DEC/28/2012 (19:35)

** EXCESSIVE FORCE CLAIMS:

PLAINTIFF ALLEGES THAT THE DEFENDANTS LIUETENANT POWELL, PEDONE ANTHONY WILLIAMS VERBYLA, VRABEL COREY, MODDORFF, GLOSSENGER JASON, BRENNAN MARK WIESNESKY ANDREW, (C/O IN BLUE UNIFORM AND BLACK UNIFORM JOHN'S DOE'S

"PLAINTIFF ALLEGES THAT THE DEFENDANTS OF THE EXTENT OF THE INJURIES RESULTING FROM THE BRUTAL BEATING, AVERS THAT CORRECTIONAL OFFICERS "DELIBERATELY BEATING FOR THE SINGLE PURPOSE OF BEATING PLAINTIFF- WHILE HANDCUFFED-SCHACCLEDD, REPEATEDLY OVER A PROLONGED PERIOD AND THE DIFFERENT PLACES CAUSING SERIOUS INJURY'S TO PLAINTIFF.

** FAILURE TO INTERVENE:

PLAINTIFF CLAIMS "FOR" FAILURE TO INTERVENE AGAINST DEFENDANTS:

"LIUETENANT POWELL, PEDONE ANTHONY, WILLIAMS VERBYLA, VRABEL COREY, MARK BRENNAN, WIESNESKY ANDREW, MODDORFF, GLOSSENGER JASON, JOHN DOE, IN UNIFORM (IN BLACK AND BLUE) THOSE DEFENDANTS WERE DELIBERATELY INDIFFERENT TO HIS SAFETY THAT IS TO SAY- THEY WERE SUBJECTIVELY AWARE OF A SUBSTANTIAL RISK OF HIS SAFETY AND "FAILED", TO TAKE AVAILABLE ACTIONS TO PROTECT HIM. PLAINTIFF MAINTAINS THAT HE WAS THE VICTIM OF A PROLONGED AND SAVAGE BEATING WHILE THESE DEFENDANTS WATCHED AND DID NOTHING FOR INTERVENE OR STOP THE BRUTAL BEATING TO PLAINTIFF.

** LIABILITY CLAIMS:

FAILURE TO INTERVENE IN VIOLATION OF THE EIGHT AMENDMENT "LIABILITY THE THIRD CIRCUIT HAS HELD THAT " A CORRECTIONAL OFFICER FAILURE TO INTERVENE IN A BEATING CAN BE THE BASIS OF "LIABILITY"

"THE CORRECTIONAL OFFICER HAD A REASONABLE OPPORTUNITY TO INTERVENE AND SIMPLY REFUSED TO DO SO?? " A CORRECTIONAL OFFICERS CAN NOT ESCAPE LIABILITY", BY RELAYING UPON HIS INFERIOR OR NON-SUPERVISORY RANKS " VIS-A-VIS", THE OTHERS OFFICERS..."

PLAINTIFF, ALSO CONTENDS THAT DEFENDANTS "LIUETENANT POWELL, PEDONE, WILLIAMS VERBYLA, VRABEL COREY, MODDORFF, GLOSSENGER JASON, ., WATCHED BUT NOT INTERVENE AND STOP DEFENDANT BRENNAN MARK, , THEY STARTED BEAT THE PLAINTIFF AS WELL "ALREADY INCAPACITATED, HANDSCUFFED AND SHUCCLEDD"

***FAILURE TO PROVIDE MEDICAL CARE :

PLAINTIFF ALLEGE THAT DEFENDANTS IN VIOLATION OF THE EIGHT AMENDMENT AND FOURTEENTH AMENDMENT , A PLAINTIFF CAN STABLISH " DELIBERATED INDIFFERENCE BY SHOWING THAT PRISON AUTHORITIES WERE AWARE OF A PRISONER MEDICAL PROBLEM, DENIED REASONABLE REQUEST FOR MEDICAL TREATMENT AND THAT HIS DENIALS CAUSED THE "INMATE", UNDUE SUFFERING OR TREATENED A TANGIBLE RESIDUAL "INJURY", .

SINCE PLAINTIFF, "INJURIES" , RESULTED FROM A DISCIPLINARY VIOLATION THAT INJURED A "GUARD", THE PRISON HAD REASON TO EVALUATE PLAINTIFF "INJURIES" , AFTER THE "INCIDENT".

PLAINTIFF, TESTIFIED THAT HE, MADE VERBAL AND WRITTEN REQUEST FOR THE MEDICAL ATTENTION WITH THE ASSISTANCE OF HIS CELL-MATE, FOLLOWING THE INCIDENT AND NEVR RECEIVED MEDICAL ATTENTION.

PLAINTIFF, AVERS THAT HIS "MEDICAL RECORDS", DEMOstrate THE EXISTENCE OF MATERIAL ISSUE OF FACT REGARDING THE EXTENT OF HIS INJURIES, SPECIFICALLY PLAINTIFF, AVERS THAT THE BEATING CAUSED HIM TO SUFFER A BROKEN THUMB RIGHT HAND, LOSS HEARING BOTH EAR"S, BROKEN BONES IN THE FACE, (FRACTURED ORBITAL/LAMINA RIGHT EYE), POSSIBLE FRACTURE OF FRONT HEAD, BIG CONTOUSSION IN SKULL), BOTH KNEE"S SWOLLEN IN PAIN FOR PUT IN PRESSURE, DIFFICULTY TO BREATHING, EATING, CHEWING AND MOVING TO WALK, FOR SEVERAL WEEKS, GENERAL PAIN ALL THE BODY, "

** DELIBERATED INDIFFERENCE TO SERIOUS MEDICAL NEEDS OF A PRISONER'S
CONSTITUTE THE UNNECESSARY AND WANTON INFLECTION OF "PAIN",
PROSCRIBE BY THE EIGHT AMENDMENT OF THE UNITED STATES CONSTITUTION

* NURSE "R.N. BURGERHOLFF, PATRICIA:

TREATED PLAINTIFF, FOR THE ABRASION, BUT IGNORED HIS OTHERS INJURIES INCLUDING AND OBVIOUSLY" BROKEN THUMB RIGHT HAND BACKWARDS, THE TREE STABBING WOUNDS LEFT SIDE OF STOMAGE, BIG CONTOUSSION FORNT HEAD SKULL, SWOLLEN BOTH EYES, PARTIALLY SHUTDOWN, ALOT BLOOD COMING FROM THE MOUTH BLOD FROM THE BOTH EAR'S AS WELL, AND FAILED TO REFER PLAINTIFF TO A DOCTOR, HERE PLAINTIFF, PRINCIPAL AVERMENT IS THAT DESPITE SWELLING TO HIS FACE AND HIS BROKEN THUMB RIGHT HAND(FRACTURE ORBITAL/LAMINA TREE STABBING WOUNDS LEFT SIDE OF STOMAGE, BIG CONTOUSSION FRONT HEAD SKULL, SWOLLEN BOTH EYES, WERE NOT DIAGNOSED OR TREATED AT ALL UNTILL "JANUARY/15/2015, IS WHEN PLAINTIFF, GET THE NOTICE OF THIS FRACTURE IN THE RIGHT EYE" ORBITAL/LAMINA) ") AND THE MEDICAL PERSONEL GOT THE X-RAYS RESULTS IS IN "JANUARY/15/2013, AND NEVER GOT MEDICAL ATTENTION AFTER THE ALLEGED ALTERCATION(FURTHER MORE, NO x-rays) OR OTHERS ACTIONS WERE ACTUALLY TAKEN UNTIL TWO WEEKS LATER, WHILE PLAINTIFF WAS LEFT "TO SUFFER THROUGH THE PAIN" , DURING THE INTERIM ACCORDING TO PALINTIFF THROUGH THIS TIME, HE WAS UNABLE TO STAND AND WAS CONFINED TO LAY DOWN IN THE GROUND FLOOR, STILL DEFENDANTS FAILED, TO PROVIDED HIM WITH ANY "MEDICAL CARE" , ACCORDING TO PLAINTIFF THIS "DELAY" WAS CRUEL AND GAVE RISE TO A CONSTITUTIONALLY COGNIZABLE INJURY" * VERIFYING "MEDICAL EVIDENCE" , INTO THE RECORD SHOWING THAT HIS "DELAY", HAD A LASTING, DETRIMENTAL EFFECT ON HIS HEALTH PAINFULL INJURY. PLAINTIFF, THE EXTENT OF THE RESULTING INJURY, AVERS THAT THE DEFENDANTS CORRECTIONAL OFFICERS DELIBERATELY BEATING , FOR THE SINGLE PURPOSE OF BEATING PLAINTIFF _WHILE HIS IN HANDS CUFFED AND SHUCCLEDD _REPEATEDLY

DEFENDANT:

(BURGERHOLFF, PATRICIA (R.N.))

THIS IS THE NURSE WHO TREATED PLAINTIFF INJURIES INSIDE THE ENFER_ MARY ROOM, AND FALSIFIED MEDICAL RECORDS TO HELP THE "COVER-UP" FOR THE ASSAULT BY THE OFFICERS INSIDE THE EMFERMARY ROOM AND TO PRODUCE SEVERAL INJURIES TO PLAINTIFF, THE NURSE SEE IT CLEARLY THE INJURIES ON PLAINTIFF FRONT HEAD, THE BOBY BRUIESES , LEFT SIDE STOMAGE "THREE STABBED WOUNDS", SEVERAL BRUISES ON THE BOTHS KNEE"S , SWOLLEN EBOTH EYE"S, SHOUTDOWN BY THE BLOWS OF THE OFFICERS, LACERATIONS, SCAPL ON THE HEAD, BROKEN BONE ON THUMB IN RIHT HAND, BACKWARDS, NOTWITHSTANDING THE FACT THAT PLAIN_ TIFF COULD HAVE DIE FROM SUCH INJURIES OR COULD SUSTAIN A PERMANENT IMPAIRMENT OR DISABILITY, .

PLAINTIFF, ALLEGED DEPRIVATION OF HIS CIVIL RIGHTS BASED ON THE " USE OF EXCESSIVE FORCE UNNECESSARY" ALREADY INCAPACITATED AND THE "DELIVERATED INDIFFERENCE OF SERIOUS MEDICAL NEDDS"

DID IMMEDIATELY AND PROMPTLY PUT A MEDICAL "COVER_UP" AND CONS_ PIRACY IN MOTION WITH THE LIUETENANT PEDONE ANTHONY, THEY MADE AT A VIDOE FOOTABGE "TWO HOURS LATERS" IN THS (SHU) IN UNIFORM ORANGE. WITH THE FINALLITY TO THE VIDOE LOOK LIKE AFTER THE INCIDENT IN THE FOOD SERVICE OFFICE ALTERCATION, " NOT BLOOD OVER PLAINTIFF IN THE FA FACE OR BODY, THE NURSE FAKED THE TREATMENT, THEY DRAGG ME OUT THE CEL FOR THE SUPPOST GIVE ME MEDICAL CARE AFTER THE INCIDENT, BY THE NURSE R.N. BURGERHOLFF,

DEFENDANT: " DOBUSHAK, WALTER (MD)"

PLAINTIFF ALLEGED THAT THE DOCTOR DOBUSHAK, WALTER (MD) DENIED MEDICAL ATTENTION TO PLAINTIFF AND FALSIFIED MEDICAL RECORDS FOR THE COVER UP. FOR THE SEVERAL BEATING TO PLAINTIFF IN THE HANDS OF THE CORRECTIONAL OFFICERS WHILE HE WAS INCAPACITATED ALREADY IN HANDS CUFFS AND SHUCCLEDD", INFLECTED SERIOUS INJURIES TO PLAINTIFF DEFENDANT, AFTER TWO WEEKS , PLAINTIFF WAS IN SEVERAL PAIN INSIDE THE (SHU) PLAINTIFF NOTICE TWO OFFICERS COME TO TAKE PLAINTIFF TO SEE IT AT DOCTOR IN POPULATION HEALTH SERVICE, "NOTING IS SUPPOST TO TO COME TREE OFFICERS AND AT LIUETENANT FOR THE SCORT TO WHETEVEER I NEED IT TO BE REMOVED FROM THE CELL, (SHU) TEH OFFICER (TWO) SCORT ME TO GO TO TO SEE IT THE DOCTOR , AND THE TWO OFFICER TAKE INSTEAD TO THE ROOM OF THE X-RAYS ROOM, AND THE PERSONEL STARTED TO TAKE SOME X-RAYS, FROM MYS FACE, JAWS, CHEST ONLY, (THEY DONT TAKE THE X-RAYS ON MYS BNOTH KNEE'S ON MY LEFT SIDE OF MY STOMAGE, FOR THE TREE STABB WOUNDS MADE FROM THE SUPERVICSOR BRENNAN, "NEVER TAKE X-RAYS ON MY BOTHS HANDS SWOLLEN, BROKEN RIGHT THUMB BACKWARDS,, WHEN THEY FINISHED THE X-RAYS THE TWO OFFICER SCORT PLAINTIFF TO THE OFFICE OF THE DOCTOR, "HE STARTED TO ASK SEVERAL CUESTION ABOUT MY HEALTH, "I ANSWER TO HIM, "I AM IN SEVRAL PAIN, I HAVE BRUISES AROUND MY BODY, POSSIBLE BROKEN RIGHT THUMB BACKWARD AND MYS BOTHS KNEE'S SWOLLEN, I CAN NOT PUT IN PRESSURE IN AND THE BIG CONTUS_ SION IN THE FRONT HEAD, SWOLLEN BOTH EYES SHUTDOWN, PAIN IN THE LEFT SIDE FOR THE TREE STABB WOUNDS, FROM THE HANDS OF THE SUPERVISOR BRENNAN, .

THE DOCTOR STATTED ""GOOD, YOU CAN GO BACK TO THE (SHU) NOW, "HE ORDER THE TWO OFFICERS TO SCORT PLAINTIFF BACK TO THE (SHU) "HE SAY INMATE DONT DESERVED NOTHING

DEFENDANT: DOBUSHAK, WALTER (MD)"

PLAINTIFF, ALLEGED THAT THE DEFENDANT, HAVE KNOWLEDGE OF THE RESULTS OF THE ALL X-RAYS PERFORMED IN THE POPULATION HEALTH SERVICE TO THE PLAINTIFF, AND NEVER INFORMED PLAINTIFF, ABOUT THE RESULTS OF THE x-rays OR THE POSSIBLE FRACTURE ORBITAL IN THE RIGHT EYE, OR THE OTHERS RESULT FOR THE CONTINUE OF PRESCRIPTION OF MEDICATIONS, FOR THE PAIN OR OTHER SYPTOMS FOR THE RESULTS OF THE X-RAYS PERFORMED IN PLAINTIFF,

DEFENDANT, DOCTOR DOBUSHAK, WALTER, (MD) DELIVERATED INDIFFERENCE TO PLAINTIFF AND CONSTITUTE CRUEL AND UNUSUAL PUNISHMENT UNDER THE EIGHT AMENDMENT OF THE UNITED STATES CONSTITUTION.

DEFENDANT, NEVER PRESCRIBED AT MEDICATION FOR PAIN TO PLAINTIFF AND DURANTLY INCARCERATED IN THE (SHU) USP_CANNAN, OR WHEN PLAINTIFF WAS TRANSFERED TO LACKAWANA COUNTY JAIL, THE NURSES IN THE LACKAWANA STATE THAT ""INSIDE YOUR PAPER WORK DONT COME NOTHING ,OR PAPERWORK WITH THE REFERENCE OF PRESCRIBED MEDICAMETS TO PLAINTIFF,

PLAINTIFF, ALLEGED THAT UNTILL THE DATED OF 09/03/2015, PLAINTIFF WAS IN THE VISIT TO AT A SURGOEN/MAXILLOFACIAL, FOR THE SURGERY FOR THE RIGHT EYE FRACTURE, AND THIS IS THE DATE PLAINTIFF GOT KNOWLEDGE OF THE FRACTURE IN THE RIGHT EYE, THE DEFENDANT NEVER INFORMED PLAINTIFF ABOUT THIS ISSUE OR PRESCRIBE MEDICAL CARE TREATMENT TO PLAINTIFF,

DEFENDANT: KABONICK, M (EMT-P)

THIS IS THE PARAMEDIC TO SUPPOST SEE IT PLAINTIFF, IN THE (SHU) THE NEXT DAY (DEC/29/2012) AND MADE THE MEDICAL RECORDS TO HELP THE COVER UP, FOR THE BEATING IN THE HANDS OF THE CORRECTION OFFICERS IN THREE DIFFERENT PLACES, AND IS CLEARLY THE INJURYS ON PLAINTIFF, HIM STATED IN HIS MEDICAL REPORT THE NEXT DAY, NOTHING HAPPEN WITH PLAINTIFF HE MADE THE SAME MEDICAL REPORT OF THE NURSE, BURGERHOLLFF, PATRICIA, AND HE STATED , HE SEE IT PLAINTIFF FROM THE PEER WINDOW IN THE CELL, AND HE CAN SEE IT CLEARLY THE INJURYS FOR THE ASSAULTED BY THE GUARDS FRONT HEAD BIG CONTUSSION, THE BOTH EYES SWOLLEN SHUTDOWN, BY THE BLOWS BY THE OFFICERS , LACERATIONS, SCALP ON THE FRONT HEAD , BRUISES AROUND THE BODY, AND THE BOTH KNEE'S SWOLLEN, BROKEN BONE ON THE RIGHT THUMB BACKWARD, AND SWOLLEN RIGHT , LEFT HANDS AND NOT WITHSTANDING THE FACT THAT PLAINTIFF COULD HAVE DIED FROM SUCH INJURIES OR COULD SUSTAINED A PERMANENT IMPAIRMENT OR DISABILITY, .

PLAINTIFF, ALLEGED DEPRIVATION OF HIS CIVIL RIGHTS AND DELIVERED INDIFFERENCE AND DENIED MEDICAL CARE TREATMENT AND CONSTITUTE CRUEL AND UNUSUAL PUNISHMENT UNDER THE "EIGHT AMENDMENT OF THE UNITED STATES CONSTITUTION, .

PLAINTIFF, ALLEGED THAT THE DEFENDANT, KABONICK, M. MADE ROUND IN THE SHU AND HE, DONT WANT APPROACH THE PEER WINDOW OF THE CELL FOR TAKE THE SICK CALL FORM, OR TO HEAR FROM MY CELL-MATE, SEVERAL TIMES, AS WELL HE STATED " IS NOT DEAD YET", WHY HE IS NOT DEAD"

DEFENDANT: TUTTLE, JARRET (EMT-P)

PLAINTIFF, ALLEGED THAT THIS IS THE PARAMEDIC INVOLVED IN THE DAY OF THE INTERVIEW ,WITH THE F.B.I.// AND PLAINTIFF ASKING FOR GET MEDICAL ATTENTION FOR THE PAIN AROUND HIS BODY,AND ALL THE BRUISES SCALPS,AND FRONT HEAD BIG CONTUSSION,SWOLLEN NEEK'S ,BROKEN RIGHT HAND THUBM BACKWARDS,,BOTH EYES SWOLLEN SHUTDOWN,SWOLLEN BOTH HANDS PLAINTIFF,ALLEGED THAT THE DEFENDANT,TUTTLE JARRET,CAN SEE IT THE INJURYS FOR TEH SEVERAL BEATING FROM THE CORRECTIONAL OFFICERS IN THE DATED: dec-28-2012', PLAINTIFF ALLEGED THAT HE, ASKING FOR HELP IN THE FRONT OF THE FBI. AGENT AND ,THE AGENT TELL THEM TO GET ME MEDICAL ATTENTION, AND THE LIUTENANT IN THAT DAY,ORDERED AT ONE GUARD TO GET PLAINTIFF HELP,FOR TEH RIGHT BROKEN HAND,THE OFFICER STARTED TO SQUEEZZEE THE HAND VIOLENTLY AND SHAKED VIOLENTLY AND TWISTED THE HAND OF PLAINTIFF,INSIDE THE OFFICE WAS ALOT OFFICER LAUGHING FOR THE PAIN I EXPRESSED TO THE OFFICER TO STOPED,HE WAS HURT ME VERY BAD MY HAND, PLAINTIFF ALLEGED DEPRIVATION OF HIS CIVIL RIGHTS AND DELIVERATED INDIFFERENCE AND DENIED MEDICAL CARE TREATMENT AND CONSTITUTTE CRUEL AND UNUSUAL PUNISHMENT UNDER THE " EIGHT AMEDMENT OF THE UNITED STATES CONSTITUTION,.

PLAINTIFF,ALLEGED THAT THE DEFENDANT ,TUTTLE JARRET,MADE SOME ROUNDS IN THE (SHU) AND DEFENDANT NEVER WANT TO PICK UP THE SICK CALL PAPER AND HE DONT WANT APPROACH THE PEER WINDOW OR HEAR FROM THE PLAINTIFF OR THE CELL MATE OF PLAINTIFF,FOR GIVE ME HELP,OR MEDICAL ATTENTION.

DEFENDANTS: JOHN DOE" (LIUTENANT IN "R&D"

IN THE DATED: OF JULY/?/2014, I, PLAINTIFF WAS TRANSFERED BY TWO U.S. MARSHALL FROM THE LACKAWANA COUNTY JAIL, TO BACK TO USP-CANNAN, WITH 7 MANILA ENVELOPES CONTAINED LEGAL DOCUMENTS FROM THE TRIAL COURT OF SRCANTON, PA. [3:13-cr-0001 [, AND THIS LIUTENANT ORDER THE TWO U.S. MARSHALL. TO NOT REMOVED THE HANDSCUFF OF PLAINTIFF, NO NEED IT TO , HE GO TO THE (SHU) SEGRAGATION HOUSE UNIT, .

I WAS SCORTED TO THE (SHU) AND INSIDE THE CELL, THIS LIUTENANT TELL ME " I WAS LUCKY FOR THAT NIGHT OF THE ALTERCATION WITH THE TWO FOOD SERVICE SUPERVISOR, BECAUSE I GO TO CRUSH YOU VERY BAD, MOTHERFUCK"

THIS LIUTENANT FAILED TO PROTECT MY PROPERTY, LOSTED OR MISPLACED BY THE STAFF OF " R&D", VIOLATED THE FOURTHEENT AMENDMENT OF THE UNITED STATES CONSTITUTION, HE WAS THE LIUTENANT IN THAT DATED, JULY/?/2014.

AND RETALIATED TO PLAINTIFF FOR THE LOST OF PROPERTY, HE TREATS TO DO IT SOMETHING TO PLAINTIFF, EVERYTIME, I NEED IT TO ASK FOR THE HELP FOR SEE IT AT DOCTOR, OR GET SICK-CALL OR MADE AT PHONE CALL TO MY ATTORNEY, OR FAMILY, HE ORDERED THE OFFICER THAT DAY , FOR GET TO PLAINTIFF AT SPECIAL TREATMENT FOR THE LAST ALTERCATION WITH THE FOOD SERVICE SUPERVISOR. AND DONT LET SLEEP, DONT TURN THE LIGHT, KICKING THE DOOR EVERY DAY UNTIL PLAINTIFF WAS REMOVED FOR HERE(USP-CANNAN)

DEFENDANT: MAZZA OR MACCA, FNU (CORRECTIONAL OFFICER IN "R&D")

HE WAS IN THE COMPANY OF THE LIUTENANT IN THE "R&D", AND HE STATED TO THE LIUTENANT, HEY, LT. "HE IS THE ONE TO HIT THE SUPERVISOR IN FOOD SERVICE, LEST BEATING THAT FUCKER, THE LIUTENANT TELL HIM, .RIGHT HERE NOT LEST SEE IT THE TWO U.S. MARSHALL. GO , I TELL THEM THE TWO U.S. MARSHALL IF I NEED IT TO DEFEND MY SELF AGAIN I DO IT, BECAUSE THEY DONT WANT TO REMOVED THE HANDSCUFF IN "R&D", THEY WANT BEAT ME AGAINT", THIS CORRECTIONAL OFFICER VIOLATED PLAINTIFF THE FOURTEENTH AMENDMENT

DEFENDANTS:JOHN DOE"S (R & D) at USP-CANNAN

ON THE DATE OF JULY/?/2014,' I WAS PLACED BACK IN USP-CANNAN WAYMART PA. /BEFORE WAS IN THE LACKAWANA COUNTY JAIL, IN SCRANTO, PA. FOR AT COURT TRIAL () (02/12/14) AND LATER TRANSPORTED BACK TO USP-CANNAN, BY TWO U.S. MARSHALL"S , AND I COME WITH #7 MANILA ENVELOPES (INSIDE COME DOCUMENTS, EVIDENCE, AND TRANSCRIPT OF THE COURT,) SOME LETTER BY ATTORNEY PRIVELIGES, MR, GINO BARTOLAI LATER PLAINTIFF WAS PLACED IN THE (SHU) TO WAITING THE TRANSFER TO ANOTHER PRISON, .WITH NO RECEIPT OF THE MY PROPERTY, NOTHING

IS BEEN PLAINTIFF INTENTION TO HAVE HIS CRIMINAL CASE , "REHEARD" AND AT NEW TRIAL SET, YET ALL OF HIS LEGAL PAPERWORK AND MATERIALS HAVE EITHER BEEN "LOST/MISPLACED/damaged' .

PLAINTIFF, ARRIVED TO USP-COLEMAN(1) WITH ZERO/PROPERTY OR RECEIPT ALL ATEMPT TO HAVE HIS LEGAL PAPERWORK AND MATERIALS BE LOST BY THE PERSONELL OF "R&d" THEY FAILED TO SECURE AND CATALOGUE AND PASS TO PLAINTIFF AT A RECEIPT, THE COUNSELOR FOR THE B-UNIT AT USP-1 COLEMAN", HE ATTEMPTED SEVERAL OCASSIONS TO RECOLLECT MY PROPERTY BUT THE "R&D" IN USP_CANNAN STATED MR. MONTALBAN, HE NO LEFT NOTHING HERE.

I SEND AT LETTER TO MY FEDERAL COURT IN SCRANTON, PA. FOR THE HELP TO OBTAINED MYS LEGAL DOCUMENTS AND PAPERWORK FOR THE APPLICATION OF THE "REHEARD" MY CASE AND THE &2255 form.

SO, THE OFFICERS IN THE "R&D" IN ~~Q~~A USP_CANNAN, VIOLATED RIGHTS TO PLAINTIFF THE FITH' THE FOURTEENTH AMENDMENTS OF THE UNITED OF AMERICA, . AND THE DENIED THE ACCESS TO THE COURTS"

"DEFENDANT: " S.I.O." LT, JOHN GINTZ AT USP-CANNAN "

** CLAIMS OF DEFAMATION AND "DUE PROCESS":

* PLAINTIFF ALLEGED THAT DEFENDANTS DEFAMATION OF "CHARACTER " RESULTING IN A VIOLATION OF CONSTITUTIONAL RIGHTS.

"CLAIMS THAT "DEFENDANTS, DEFAMED HIS CHARACTE WHEN DEFENDANT, ALLEGEDLY TOLD OR WRITING AT A MEMORANDUMM ", THAT THE PLAINTIFF THIS DEFAMATION RESULTED IN A VIOLATION OF HIS CONSTITUTIONAL RIGHTS "ALLEGEDLY LEADERSHIP ON THE "PIASAS" , AND RESTRINGED PALINTIFF TO THE SEGREGATION HOUSE UNIT (SHU) DEPRIVED PLAINWIFE A CONSTITUTIO NALLY PROTECTED INTEREST".

"VIOLATION TO " DUE PROCESS," VIOLATION, i, e

" ALLEGATION OF DEFAMATION CLAIMS FOR VIOLATION OF "DUE PROCESS", A SECTION § 1983, THEREFORE MUST BE ACCOMPANIED BY AN CONSTITUTIONALLY RECOGNIZED "INJURY" ,

" PLAINTIFF ALLEGE THAT THE DEFENDANTS DEPRIVED HIM OF THE RIGHTS OF "DUE PROCESS", AND HARDSH PUNISHMENT WITH THE ONLY PURPOSE TO INFLICTED AND VIOLATED THE FOURTEENTH AMENDMENT, DEPRIVED PLAINTIFF WITH THE BASICS RIGHTS TO "DUE PROCESS AND FREE OF PUNISHMENT AFTER AT A PAST CONVICTION", AND CATALOGUE PLAINTIFF FOR TO BE IN THE (SHU) UNTIL THE INJURYS HEALING , DENIED PLAINTIFF WITH THE BASICS RIGHTS OF "ACCESS TO MEDICAL CARE AND DUE PROCESS" , VIOLATED THE RIGHTS TO PLAINTIFF AND CONSTITUTE A DELIVERATE INDIFFERENCE OF THE EIGHT, FOURTEENTH AMENDMENT,

DEFENDANT: "JOHN DOE" LIUETENANT IN INTERVIEW/ F.B.I.

PLAINTIFF ALLEGE THAT THIS LIUETENANT "JOHN DOE", SCORT PLAINTIFF FROM HIS CELL IN THE (SHU) SEGREGATION HOUSE UNIT, THE DATE IS UNKNOWN TO PLAINTIFF, BUT THE DATE OF THE INTERVIEW, INSIDE OF THE (SHU) OFFICE I ASKING THE " F.B.I. AGENT FOR AT A MEDICAL ATTENTION TO MY HEAD & THE BROKEN RIGHT HAND(RIGHT THUMB BACKWARDS), THE TREE STABBING WOUNDS ON LEFT SIDE OF THE STOMAGE, FRONT HEAD BIG CONTOUSSION, THE AGENT OF " F.B.I. NOTIFIED THE JOHN DOE LIUETENANT ABOUT THE PETITION OF PLAINTIFF FOR MEDICAL ATTENTION,, THE LIUETENANT JOHN DOE," ORDER AT A CORR. OFFICER IN BLACK PANTS AND BLUE UNIFORM, TO GET PLAINTIFF MEDICAL ATTENTION TO SPECIALLY TO THE RIGHT HAND(RIGHT THUMB BACKWARDS) "THIS CORR. OFFICER STARTED TO SQUEZZED THE RIGHT HAND AND SHAKE HARD THE RIGHT HAND(NOTING THE BOTH HANDS WAS PLACED IN HANDSCUFF) SO THE PAIN WAS POWERFULL TO MY RIGHT HAND RIGHT THUMB , THE OFFICER STARTED TO HIT MY RIGHT HAND WITH THE HANDS CUFFS, AND STATED "YOU WANT MORE MEDICAL ATTENTION"", ALL THE OFFICERS START TO LAUGHING AND THE JOHN DOE LIUETENANT, "ORDERED THE OFFICER TO GIVEN MORE MEDICAL ATTENTION TO PLAINTIFF, AND THE(EMT-JARRET TUTTLE) WAS THERE, THE(PSYCHOLOGY MR, DUSTIN M. COOK) AND ALMOST 12 MORE OFFICERS IN BLACK UNIFORMS.

SO. NO BODY STOP IT THE ASSAULT AND EXCESSIVE USE OF FORCE FOR THE CORR, OFFICER, THEY WAITING FOR PLAINTIFF, TO DO IT SOMETHING , OR TO MOVE AND STARTED TO BEATING AGAIN. PLAINTIFF, PLAINTIFF, ALLEGED THAT THE "JOHN DOE" LIUETENANT AND THE "JOHN DOE" CORR. OFFICER IN BLACK UNIFORM/BLUE", VIOLATED CIVIL RIGHTS AND CONSTITUTE A CRUEL AND UNUSUAL PUNISHMENT UNDER THE EIGHT AMENDMENT OF THE UNITED STATES CONSTITUTION.

DEFENDANTS:

"ALL STAFF PERSONELL OF PSYCHOLOGY DPTO:"

(DUSTIN M. COOK, PSY, D. (DRUG ABUSE PROG. COORD.)

(CAROLINE M. JOHANSON (PHD. STAFF PSYCH)

DATE'S OF TEH SUPPOST VISIT PLAINTIFF IN THE (SHU):

- 1) 12/31/2012; Dustin M. psy, d. 0) HE MADE AT FALSIFYING DATA OF CLINICAL INTERVENTION-CLINICAL CONTACT, WITH PLAINTIFF ON THIS DATE:, (THE PHOTOS SPEAK BY THEM SELFT HE MADE AT A MEDICAL REPORT ABOUT PLAINTIFF AND HELP THE COVER-UP FOR THE ECESSIVE ASSAULT TO PLAINTIFF AND CONSTITUTE A VIOLATION OF THE RIGHTS OF THE UNITED STATES OF AMERICA. VIOLATED RIGHTS THE EIGHT AMENDMENT, DENIED MEDICAL CARE TREATMENT TO PLAINTIFF, ONLY IN HIS REPORT MENTIONED PLAINTIFF HAS NOTHING OR RELEVANT INJURIES IN HIS BODY OR IN HIS HEAD, .
- 2) (01-15-2013, ' CAROLINE M. JOHANSON, ph, d. STAFF PSYCH) (12-29-2012) MADE AT THIS REPORT WITH THIS DATE, BUT TEH REALITY IS I WAS PLACED IN THE DATE (12/28/2012) IN THE (SHU) 19:45 PM, . AND THIS DATA MEDICAL REPORT IS FALSIFIED NOT AND THIS EVENTS HAPEN BECAUSE, NO BODY APPROACH MY CELL OR THE STAFF (SHU) PROVIDED ME WITH FOOD) FOR 10 DAYS, AND THIS STAFF OF THE PSYCHOLOGY NEVER SEE IT IN THE TIME SUPPOST OCURRED, AND THIS ACTION TOWARD PLAINTIFF VIOLATED RIGHTS AND CONSTITUTE CRUEL UNUSUAL PUNISHMENT UNDER THE EIGHT AMENDMNET OF THE UNITED STATES CONSTITUTION OF AMERICA.

RELIEF REQUESTED:

While I still am waiting to have exploratory test performed to diagnose the extent of my injuries and that my broken and Fractured bones are now by this point set where they lay broken will have to be re-broken and re-set in their natural formation. I pray they can be repaired after such a long period of time. (Surgery to my Collar Bone-Left clavicle performed Already) (Left wrist-Radious Healing the bone) I fear that I never be normal physically or Mentally ever again due this events. I'm afraid that if whatever is causing me to have these "Seizures", that Leave me incapacitated and Vulnerable as they have already caused me more body damage had prior to December/28/2012

REQUESTED RELIEF:

- 1) COMPENSATORY DAMAGES IN THE AMOUNT OF \$ 6,514.000 / AGAINST " DEFENDANTS, JOINTLY AND SEVERALLY.
- 2) PUNITIVE DAMAGES IN THE AMOUNT OF \$ 250,000.00 AGAINTS EACH DEFENDANTS, JOINTLY AND SEVERALLY.
- 3) NOMINAL DAMAGES IN THE AMOUNTS OF \$ 1,000.00 AS SEEN FIT BY THIS HONORABLE COURT.
- 4) A JURY TRIAL ON ALL ISSUES TRIABLE BY A JURY.
- 5) PLAINTIFFS LEGAL COSTS IN THIS TRIAL SUIT.
- 6) ANY ADDITIONAL RELIEF THIS HONORABLE COURT DEEMS JUST PROPER AND EQUITABLE.

DATE:

APRIL / 14 / 2017

RESPECTFULLY SUBMITTED BY:

JOSE MONTALBAN
REG: NO# 1497-179
FEDERAL CORRECTIONAL COMPLEX
USP-1 COLEMAN
P.O. BOX 1033/h-unit
COLEMAN, FL. 33521-1033

VERIFICATION

I, JOSE MONTALBAN, HAVE READ THE FOREGOING CIVIL ACTION/COMPLAINT AND HEREBY VERIFY THAT THE MATTERS ALLEGED THEREIN ARE TRUE, EXCEPT AS TOP MATTERS ALLEGED ON INFORMATION AND BELIEF, AND AS TO THOSE, I BELIEVED THEM TO BE TRUE.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AT COLEMAN, FL. / dated; APRIL/ 14/ 2017

JOSE MONTALBAN, PLAINTIFF PRO-SE